

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVONTE HAMILTON,
Plaintiff,

-against-

WESTCHESTER COUNTY, CORRECT CARE
SOLUTIONS, LLC, RAUL ULLOA, JOSEPH K.
SPANO, FRANCIS DELGROSSO, KARL
VOLLMER, and LEANDRO DIAZ,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/1/2022

No. 18 Civ. 8361 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On September 6, 2022, this Court issued an Opinion & Order in which it GRANTED County Defendants' motion to dismiss Plaintiff's remaining ADA claim. (ECF No. 81.) In so doing, the Court DISMISSED without prejudice Plaintiff's remaining ADA claim against Westchester County. The Court then granted *pro se* Plaintiff leave to replead his ADA claim against Westchester County only. Plaintiff was given until October 6, 2022 to file an Amended Complaint consistent with the Court's September 6, 2022 Opinion & Order.

It appears, however, that Plaintiff never received the September 6, 2022 Opinion & Order. Instead, this Court received returned mail which indicates Plaintiff no longer resides at the Brooklyn Metropolitan Detention Center. The Court reminds Plaintiff that it is his "obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so." (ECF No. 4 at 2.)

The Court thus adjourns the schedule for the filing of amended pleadings as follows. If he chooses to do so, Plaintiff will have until January 4, 2023 to file an Amended Complaint consistent with the Court's September 6, 2022 Opinion & Order. An Amended Civil Rights Complaint form is included with the attached September 6, 2022 Opinion & Order. If an Amended Complaint is

filed, Defendant Westchester County is directed to answer or otherwise respond by February 3, 2023.

If Plaintiff fails to file an Amended Complaint within the time allowed, and he cannot show good cause to excuse such a failure, the claim dismissed without prejudice by the September 6, 2022 Opinion & Order will be deemed dismissed with prejudice.

The Clerk of Court is respectfully directed to mail a copy of this Order and ECF No. 81 (including the Amended Civil Rights Complaint form) to *pro se* Plaintiff at Davonte Hamilton, Reg No. 79409-054, FCI Allenwood Medium, P.O. Box 2000, White Deer, PA 17887, and to show service on the docket.

SO ORDERED

Dated: December 1, 2022
White Plains, New York



NELSON S. ROMÁN
United States District Judge